

EXHIBIT 3

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Trisha Tshudy

Plaintiff

v.

Pennsylvania State University

Defendant

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:
:
:

Civil Action No. 22-cv-03336

Hon. Wendy Beetlestone

DECLARATION OF JEFFREY A. DODGE

Jeffrey A. Dodge, of full age, hereby declares as follows:

1. I am the Associate Dean for Academic and Student Services, Assistant Professor of Law, and Joseph H. Goldstein Faculty Scholar at Penn State Dickinson Law (“Dickinson Law”).

In addition, I also serve as the disability coordinator at Dickinson Law.

2. I make this Declaration on the basis of personal knowledge and my review of materials kept by Dickinson Law in the regular and ordinary course of business.

A. **The Academic Accommodations and Adjustments Provided to Trisha Tshudy by Dickinson Law**

3. Ms. Tshudy has a documented disability and she applied for and received academic accommodations that began in Fall 2020 and continued through academic years 2020-2021 and 2021-2022. For the Fall 2021 semester, Ms. Tshudy’s accommodations for the classroom setting were:

- Use of a service dog in classes, exams, and around the building
- Access to recorded class lectures
- Unlimited use of tutoring services
- Allowed to take breaks during class that may require leaving the

classroom

- Allowed to eat and drink during class, oral arguments etc., limited only by COVID-19 restrictions
- Enrolling in class remotely for fall 2021

08/15/2021 Academic Adjustment Memo (**Exhibit “A”**).

4. Ms. Tshudy also applied for and received the following academic accommodations for examinations for the Fall 2021 semester:

- 100% extended time to take exams/quizzes in a private room
- Allowed to take breaks during exams that may require leaving the testing room

Exh. A.

5. At no point – including Fall 2021 - did Ms. Tshudy apply for, request, or receive accommodations that would permit her to take her exams online/remotely. Id.

6. Over the summer of 2021, PSU announced that instruction for the 2021-2022 academic year would return to in-person. However, Dickinson Law elected to allow students with compelling personal health circumstances related to COVID-19 to continue to enroll in classes remotely for the Fall 2021 semester.

7. In or about July 2021, Ms. Tshudy submitted a request for a remote-only learning accommodation. See Remote Adjustment Request Form (**Exhibit “B”**).

8. On July 4, 2021, Ms. Tshudy’s request for Remote Adjustment was approved and she was permitted to attend classes remotely for the Fall 2021 semester, but was advised that it was “expected that this will be the final semester where a remote-learning option is available.” See 07/04/2021 Email (**Exhibit “C”**).

9. During her first three semesters at Dickinson Law, Ms. Tshudy has asked for and received several adjustments to her schedule due to various issues and, therefore, she is familiar with the process and knows when and whom to contact for assistance.

10. By way of example and without limitation, at the end of the Fall 2020 semester, Ms. Tshudy asked to drop Legal Research for medical reasons. See 11/10/2020 Emails (**Exhibit “D”**). Her request was granted and, thereafter, she complimented me and several of my colleagues by stating that she “continue[s] to be astonished by the understanding and support the administration of Dickinson Law provides to its students.” Id.

11. On September 30, 2021, Ms. Tshudy contacted me and requested an extension for several assignments that were due during the Fall Semester due to the recent death of one of her pets. See 10/01/2022 Emails (**Exhibit “E”**).

12. I expressed my condolences to Ms. Tshudy and personally wrote to her professors to request that they reschedule assignments that were due over the next few weeks. See **Exh. E**.

B. Trisha Tshudy’s Fall 2021 Examinations and Final Assignments at Dickinson Law

13. In connection with the announced return to in-person instruction, Dickinson Law reverted back to examination software utilized prior to the pandemic. This software required students to be present on campus to take their Fall 2021 exams.

14. Thereafter, in October 2021, I advised all students with remote adjustments, including Ms. Tshudy, that final examinations would need to be taken on campus.

15. Ms. Tshudy did not respond to my email.

16. The other two students who had received remote adjustments raised no issue with and were willing to attend their exams in person. One of these students was located in California.

17. Having not heard from Ms. Tshudy, on November 15, 2021, I followed up with her via email about the need for her to take her examinations in person. See 11/15/2021 Email (**Exhibit “F”**).

18. Ms. Tshudy did not respond to this second email.

19. On November 30, 2021, Dickinson Law’s then Assistant Director of Student Services, Julie Lynn Cullings, sent an email to Ms. Tshudy and provided her with an examination schedule and room assignments. See 12/02/2022 Emails (**Exhibit “G”**).

20. Ms. Tshudy responded to Ms. Cullings’ email on December 2, 2021 and inquired why her examinations were being administered in person and raised issues regarding her unfamiliarity with the environment, the need for a close restroom, and allowances for food, beverages, and medications. Id.

21. In response to Ms. Tshudy’s December 2, 2021 email, I contacted her by telephone. During this call, Ms. Tshudy was in her email Inbox and she located both of my prior emails to her, and confirmed that she had not read them. We discussed the need for Ms. Tshudy to take her exams in-person due to requirements of the examination software. During this conversation, her primary, expressed concern was that she was unfamiliar with Dickinson Law’s campus and may have difficulty locating her room.

22. During our conversation, I informed Ms. Tshudy that we would provide her with a quiet, private room with convenient access to the restroom and that we would accommodate her service animal, her need to take breaks, and her need to have food, beverages, and medications present. At the end of the call, Ms. Tshudy appeared satisfied with the situation and indicated she would attend her exams in person.

23. To further ease Ms. Tshudy's concerns, on December 2, 2021, Ms. Cullings sent Ms. Tshudy an email with photographs of the examination room, the exit path, and the restrooms. See 12/02/2021 Email (**Exhibit "H"**).

24. The following day, Ms. Cullings sent Ms. Tshudy another email with additional details about her exams. See 12/03/2021 Email (**Exhibit "I"**). In the email, Ms. Cullings advised Ms. Tshudy of the items she was permitted to bring (i.e. food, drinks, earplugs, medication, etc.), the exact location of the room on campus, and information relating to arrangements made to accommodate Ms. Tshudy's service dog. Id.

25. On December 14, 2021, Ms. Tshudy asked to reschedule that day's Federal Income Tax final exam due to illness and this request was granted. See Reschedule Request (**Exhibit "J"**).

26. Thereafter, Ms. Tshudy emailed Pamela Knowlton, Dickinson Law Registrar, and asked to take her Federal Income Tax final exam on December 16, 2021. See 12/15/2021 Emails (**Exhibit "K"**).

27. This second request was granted and, in response, Ms. Tshudy outlined her plan to take her remaining exams and advised that she would submit her final paper for her course, *BioTech, Pharmaceuticals & the Law*, by the due date of December 15, 2021. Id.

28. At no point did Ms. Tshudy ask for an extension to submit her final paper for *BioTech, Pharmaceuticals & the Law*.

29. Ms. Tshudy did not submit her paper by the due date and, on December 17, 2021, Adjunct Professor, James M. Gould, wrote to Ms. Tshudy and inquired about the lateness of her paper. See 12/17/2021 Email (**Exhibit "L"**).

30. At 11:57 p.m. on December 17, 2020¹, Ms. Tshudy submitted her final paper to Professor Gould. See 12/17/2022 Email (**Exhibit "M"**). In the submission email, Ms. Tshudy

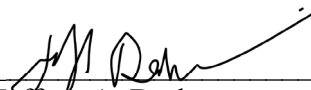
seemingly implied that Dickinson Law administration provided her with an extension to submit the paper – which is inaccurate – and faulted the administration for not communicating this non-existent extension to Professor Gould. Id.

31. In late December 2021, I was contacted by Professor Gould, and advised of his discovery that Ms. Tshudy's final paper exhibited a high degree of tracking with a Note entitled, Hannah-Alise Rogers, *Trade Secret Rising: Protecting Equivalency Test Research and Development Investments After Momenta v. Amphastar*, 22 Intell. Prop. L. 209 (2014) (the "Rogers Note").

32. Among the concerns raised by Professor Gould was that Ms. Tshudy's paper included cited cases and passages that matched the Rogers Note exactly and Ms. Tshudy's paper contained no reference to the Rogers Note. I directed Professor Gould to speak with Laura H. Williams, Associate Dean for Administration, about the issue.

33. I understand that this Declaration is made subject to the penalties relating to unsworn falsification to authorities, 28 U.S.C. § 1746.

Dated: September 6, 2022



Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law
Joseph H. Goldstein Faculty Scholar

EXHIBIT A



PennState
Dickinson Law

Dickinson Law
The Pennsylvania State University
Lewis Katz Hall
150 South College Street
Carlisle, PA 17013

717-240-5000
dickinsonlaw.psu.edu

Date: August 15, 2021

To: File of Trisha Tshudy

Re: Academic Adjustments for **Fall Semester 2021**

THIS INFORMATION IS CONFIDENTIAL

Trisha Tshudy has a documented disability and is registered with Student Disability Resources (SDR) and disability coordinator at Dickinson Law, Associate Dean Dodge. The student is to receive reasonable academic adjustments according to the Americans with Disabilities Act Amendments Act of 2008 and the Rehabilitation Act of 1973. After collecting the required medical documentation and conducting the interactive process, SDR recommends the following academic adjustments:

IN-CLASS ACCOMMODATIONS

- Use of a service dog in classes, exams, and around the building
- Access to recorded class lectures
- Unlimited use of tutoring services
- Allowed to take breaks during class that may require leaving the classroom
- Allowed to eat and drink during class, oral arguments etc., limited only by COVID-19 restrictions
- Enrolling in class remotely for fall 2021

TESTING ACCOMMODATIONS

- 100% extended time to take exams/quizzes in a private room
- Allowed to take breaks during exams that may require leaving the testing room

Associate Dean Dodge will communicate in-class accommodations to the student's faculty members within 48 hours of completing the process by signing below. To access testing accommodations, students must submit a Testing Accommodation Access Request form at least four business days in advance of each exam, midterm, quiz, or assessment for which the accommodations are needed.

If the student has any questions regarding the process or approved accommodations listed above, please contact Associate Dean Dodge at jad6742@psu.edu or 717-240-5247. Penn State and Dickinson Law are committed to maintaining an accessible and equitable place to obtain an education. In that vein, we always welcome your input and feedback regarding this process.

Student Signature: 
Trisha Tshudy (Aug 17, 2021 07:01 MDT)

Date: 17-Aug-2021

Associate Dean Signature: 

Date: 8/15/2021

EXHIBIT B

Q1.

COMPELLING HEALTH CIRCUMSTANCES - REMOTE ADJUSTMENT REQUEST FORM

Students facing **compelling individual health circumstances** that would like to request a remote-learning accommodation must complete this request form by Friday, July 2 at Noon ET. Submissions after this deadline will not be accepted.

A letter from your doctor indicating that remote-learning is required due to a personal health circumstance related to COVID-19 must be uploaded on the form. Students who are approved for remote-learning will attend classes asynchronously by watching class recordings. A live, synchronous option for remote-learning will not be available.

All information collected as part of this form is confidential and will only be used by Dickinson Law Leadership. Questions should be directed to Dean Dodge at jad6742@psu.edu.

Q3. First Name

Trisha

Q9. Last Name

Tshudy

Q4. Penn State Email Address

trt5096@psu.edu

Q5. I am a...

- ☐ 1L Student
- ☒ 2L Student
- ☐ 3L Student
- ☐ LLM/SJD/MLS Student

Q2. In fall 2021, Penn State Dickinson Law will allow students with **compelling individual health circumstances** to enroll in their classes remotely. With the universal availability of COVID-19 vaccines expected by the start of the semester, we anticipate a very small number of requests will be approved. In the space below, please describe how you meet this requirement and why you are requesting a remote only learning accommodation.

I have spent hundreds of thousands of dollars and going on thirteen years of my life battling neurological Lyme disease. I often struggle with burden complex and the overestimation of my ability and it caused me to have perfect grades for the first half of my semesters in college and then struggle brutally and become bedridden when the seasons turned and everyone got sick. My weakened immune system not only means I'm extra susceptible to contracting an illness, it also means it takes me significantly longer to recover (at least end of semester), and increases my likelihood of contracting multiple strains.

I am not looking for special treatment, but I have learned to heed my doctors warnings and understand that I can still be successful, I just may need to do so in a different way. Until there is more documentation on the vaccine and until I can go through the process of restrengthening my immune system after isolation by slowly increased exposure to others while monitored by my physicians, it is simply too much of a risk and quite possibly could be a detriment to my career, my years devoted to improved health, and life if I didn't take necessary precautions. Thank you.

Q10. Please upload a letter from your doctor confirming the compelling individual health circumstance for which you seek a remote-learning accommodation in fall 2021.



[image.jpg](#)

2.4MB

image/jpeg

Q6. All student requests will be reviewed by the Associate Dean for Academic & Student Services by July 9.

Location Data

Location: [\(40.322601318359, -76.404197692871\)](#)

Source: GeoIP Estimation

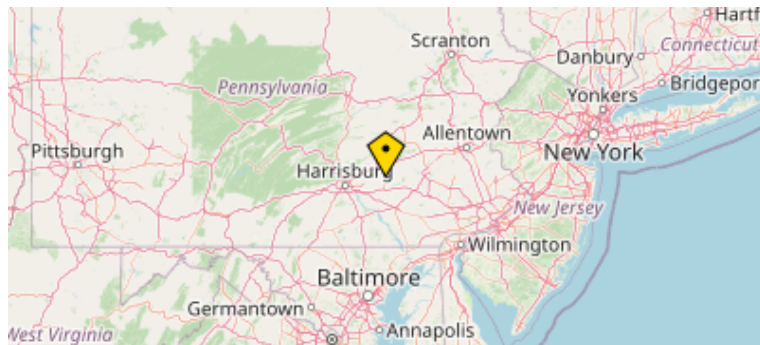


EXHIBIT C

From: [Dodge, Jeffrey A](#)
Bcc: [Pesulima, Michiko B](#); [Goin, Campbell](#); [Tshudy, Trisha R](#)
Subject: Remote Adjustment Request - Approval for Fall 2021
Date: Sunday, July 4, 2021 10:39:00 AM
Attachments: [image001.png](#)

Good morning! Thank you for submitting the Remote Adjustment Request Form for the fall 2021 semester. I'm happy to share that your request is approved solely on the basis of the medical documentation you provided. You may now plan accordingly.

As a reminder, students who are approved for remote-learning will attend classes **asynchronously by watching class recordings**. A live, synchronous option for remote-learning will not be available. Class recordings are usually posted on Canvas within 72 hours of the live class.

Your faculty will be notified of your adjustment for fall 2021 and will be available to you through office hours and Zoom meetings like anyone else. Please reach out to them directly should you require special assistance.

Note that this approval is just for the fall 2021 semester. As of today, **it is expected that this will be the final semester where a remote-learning option is available**. You should begin planning now for Carlisle based, in-person instruction in spring 2022. I am also available to meet with you should a leave of absence be needed.

A week before the semester begins Pam Knowlton, our Registrar, will notify your faculty members that you are enrolling in courses remotely this semester. For upper-division students, please email me if your classes change after Friday, August 13.

Have a great Fourth of July!

Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law and Joseph H. Goldstein Faculty Scholar
Penn State Dickinson Law
[Schedule a Meeting with Dean Dodge](#)

150 South College Street
Carlisle, PA 17013
jad6742@psu.edu
(717) 240-5247

Pronouns: he, him, his



EXHIBIT D

From: [Tshudy, Trisha Renee](#)
To: [Knowlton, Pamela R](#); [Gaudion, Amy C.](#)
Cc: [Dodge, Jeffrey A](#)
Subject: Re: Withdrawal from Legal Research
Date: Tuesday, November 10, 2020 1:20:08 PM

Dear Dean Gaudion and Ms. Knowlton,
Thank you so much for your quick response. I continue to be astonished by the understanding and support the administration of Dickinson Law provides to their students. Please don't hesitate to contact me if you need anything further. Thank you so much for your time. I hope you have a beautiful week.

With Much Appreciation,
Trisha Tshudy

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From: Knowlton, Pamela R <prk5@psu.edu>
Sent: Tuesday, November 10, 2020 1:10:23 PM
To: Gaudion, Amy C. <acg14@psu.edu>; Tshudy, Trisha Renee <trt5096@psu.edu>
Cc: Dodge, Jeffrey A <jad6742@psu.edu>
Subject: RE: Withdrawal from Legal Research

Hi Trisha,

I wanted to let you know that I have dropped the Legal Research I course from your schedule for Fall 2020. A grade of LD (late drop) will be recorded on your transcript.

Take care,

Pam Knowlton
Registrar

From: Gaudion, Amy C. <acg14@psu.edu>
Sent: Tuesday, November 10, 2020 8:20 AM
To: Tshudy, Trisha Renee <trt5096@psu.edu>
Cc: Dodge, Jeffrey A <jad6742@psu.edu>; Knowlton, Pamela R <prk5@psu.edu>; Gaudion, Amy C. <acg14@psu.edu>
Subject: RE: Withdrawal from Legal Research

Dear Trisha,

Thank you for your email, although I am sorry to hear of the difficulties you are facing.

By this email, I grant your request to drop the *Legal Research I* course for the Fall 2020 semester. Your transcription will reflect a W for the course, and you will need to retake the course in Fall 2021. In addition, you may need to defer taking *Legal Research II* in the Spring 2021. Dean Dodge and I will confer with the faculty members teaching the spring course to determine the best path ahead.

I look very forward to meeting in the future. Until then, take good care.

Best,

Dean Gaudion

Amy C. Gaudion (she/her/hers)
Associate Dean for Academic Affairs & Professor of Lawyering Skills
Penn State University | Dickinson Law
150 S. College Street
Carlisle, Pennsylvania 17013
717-240-5216
acg14@psu.edu

[faculty page](#) | [selected works](#) | [SSRN](#) | [twitter](#)

From: Tshudy, Trisha Renee <trt5096@psu.edu>
Sent: Monday, November 9, 2020 4:24 PM
To: Gaudion, Amy C. <acg14@psu.edu>
Cc: Dodge, Jeffrey A <jad6742@psu.edu>; Knowlton, Pamela R <prk5@psu.edu>
Subject: Withdrawal from Legal Research

Dear Dean Gaudion,

Hello. My name is Trisha Tshudy. Although I wish we had first communicated under better circumstances, I am writing you today to request approval to drop Legal Research from my first semester courses. This semester I incurred a [REDACTED]

[REDACTED]. While my [REDACTED] eventually returned, I have been experiencing severe symptoms that have cause delays in meeting deadlines and interruptions to participation as well. I have had to operate under restricted screen time to prevent harming my [REDACTED] further and to maintain my overall health. This significantly hindered legal research which requires extensive screen time and very detailed reading that I could not simply print as I did to circumvent the issue as best I could in other classes. Although my physical injury alone was severe enough to significantly set me back, I seemed to be facing a relentless flow of an incredibly unfortunate series of events including the spontaneous shut down of my personal laptop on which I heavily depended. I would be more than happy to go into more detail per your request, but I understand your incredibly busy schedule so I temporarily digress.

Throughout all of this, I have been in contact with Dean Dodge in a continued attempt to mitigate my circumstance and be able to complete the semester as planned. I am a very determined person with significant experience dealing with adversity, but I reached a point where I was hurting myself by trying to work through. I had no option, but to seek some

alternative. While the effects on my injury will surely mar the end grades of my classes, Legal Research was honestly an impossibility. No matter how hard I tried, I could not find time or even avoid the literal pain trying to surmount its challenges and accomplish what was asked of me. Seeing my struggle, Dean Dodge and my professor both recommended that I submit this request and save the course for a time where I wouldn't have to decide between my health and performance and other classes and scraping by just to complete the course without even hope for a decent grade.

I truly hope I have the opportunity to meet with you under better circumstances. I wish I could present character witnesses to affirm my years of succeeding over such extraordinary adversity so you could understand the delay in making this request was simply based on my determination and my overapplication of personal responsibility for events that were completely out of my control. Please don't hesitate to contact me regarding any questions or concerns you may have. I am so sorry for any inconvenience this may have caused, but I look forward to hearing from you soon. Thank you so much for your time.

With Much Appreciation,

Trisha Tshudy

EXHIBIT E

Sasso, Geoffrey F.

From: Dodge, Jeffrey A <jad6742@psu.edu>
Sent: Wednesday, August 24, 2022 11:28 AM
To: Sasso, Geoffrey F.
Subject: FW: Help

[This Email Originated From jad6742@psu.edu Which Is External To The Firm]

Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law and Joseph H. Goldstein Faculty Scholar
Penn State Dickinson Law
[Schedule a Meeting with Dean Dodge](#)

From: Dodge, Jeffrey A
Sent: Friday, October 1, 2021 1:51 PM
To: Tshudy, Trisha R <trt5096@psu.edu>
Subject: Re: Help

I just spoke to Professor Prince. You're excused from the class exercise. She'll let the two other people in your group know now. It wasn't for points or a grade, so it's no big deal to step away from it given the circumstances.

The Legal Research issue was just addressed too. Is there anything else I can help you with?

Jeffrey A. Dodge
Associate Dean for Academic and Student Services & Assistant Professor of Law
Penn State Dickinson Law

(717) 240-5247
jad6742@psu.edu

Sent from my iPhone

On Oct 1, 2021, at 1:38 PM, Dodge, Jeffrey A <jad6742@psu.edu> wrote:

I'll reach out to her now and be back in touch soon.

Jeffrey A. Dodge
Associate Dean for Academic and Student Services & Assistant Professor of Law
Penn State Dickinson Law

(717) 240-5247
jad6742@psu.edu

Sent from my iPhone

On Oct 1, 2021, at 1:31 PM, Tshudy, Trisha R <trt5096@psu.edu> wrote:

Yes, Professor Prince has a class exercise and I'm not sure if she'd want to delay the other two remote students from completing our zoom meet just for me, or if she'd want them to go ahead and have me do something different once this is resolved.

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From: Dodge, Jeffrey A <jad6742@psu.edu>
Sent: Friday, October 1, 2021 12:59:39 PM
To: Tshudy, Trisha R <trt5096@psu.edu>
Subject: RE: Help

Good morning, Trisha. Sorry for my delay in responding. I was away from the office yesterday.

I am so sorry for the loss of your pet and hope you're able to find the second one soon. We are a big pet family so I appreciate and understand the significance of the loss. I'm totally able to help you and will write your professors now to ask that they work with you to reschedule work from this week and early next week. I know you had a Legal Research assignment due. What else do you need help rescheduling?

Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law and Joseph H. Goldstein Faculty Scholar
Penn State Dickinson Law
[Schedule a Meeting with Dean Dodge](#)

150 South College Street
Carlisle, PA 17013
jad6742@psu.edu
(717) 240-5247

Pronouns: he, him, his

<image001.png>

From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Thursday, September 30, 2021 10:56 AM
To: Dodge, Jeffrey A <jad6742@psu.edu>
Subject: Help

Dear Dean Dodge,
Like they say, when it rains, it pours. After spending some serious study make-up days, I finally planned to take a quick break after my mom's funeral and harvest some mushrooms with my dog pack. It was just to be a small relief and a breath of fresh air. We were out later than usual and unbeknownst to me, we were hiking incredibly close

to a very large male black bear. My border collie X Great Pyrenees caught the scent and initiated protection tactics. We were on the Appalachian Trail, but had parked under an underpass of I-81. They did not have their normal reflective adventure vests and were not tethered simply because it was pouring when we first got out (another reason it was supposed to be an incredibly short trip) so I wanted them to have the freedom to find cover while I harvested in the rain. Sadly this was only days before their upgraded gps collars were to arrive. The downpour not only covered up their position, but also removed the scent trail for their return. The local highway's echo through the mountain pass covered up my desperate pleas. I searched until 3 am and then returned at 8 am to continue. I covered hundreds of miles by car and about 75 miles by bike and foot that day before a message came up on Find Toby PA about a deceased dog on the highway. I have no idea how he got past my extended search and accessed the highway past my vehicle and fencing, but my incredibly loyal unequivocally empathic Clifford got hit. He was only two years old (Rorschach is only one). Apparently he stood at the side of the highway looking for help until a car slowed and he went to the driver side to greet them when another driver in a hurry went to pass and struck him. We obtained his body yesterday and continued the search for Rorschach, the second of the protection team until 2 am and then got a call about a possibly sighting at 4 so we returned and continued looking until 6. I've been back out since 8:30 spreading flyers and searching frantically. I have only slept 5 hours for the past three days, haven't eaten, have minimally drank, and have covered more than 500 miles in my search. This also means that I haven't had any time for my school work not that I could even try because of the crippling anxiety and the fact that my eyes are completely swelled shut. I tried to stay strong through the loss of my mother and hoped to stay on top of everything despite the pain, but this has drastically altered my recovery. Clifford was my emotional support through the loss of my mother and now if I lose Rorschach too, I don't know what that will entail. I do not want to disregard my responsibilities, so I am coming to you now to officially request help. Until I find Rorschach or at least have some verification that he's out of immediate danger, I can't eat and can only sleep when I reach complete exhaustion. I live alone and barely have any family left and none in the immediate area. With working dogs they literally eat and breathe your presence and are closer than any normal owner pet relationship because of the comraderie. I haven't even been able to decide where to bury my pup yet as I wait to see if I have to dig a grave for two. Rorschach is the most social dog that I have ever known and should not be buried alone, which adds to the pain of knowing how sad and confused he is right now. Please, if there is anyway you could help me just postpone my submissions for a short time, it would be greatly appreciated. I can make up a lot of work in a very short amount of time, but I simply can't work under these conditions. Please let me know. Thank you so much for your time.

With Much Appreciation,
Trisha Tshudy

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EXHIBIT F

From: [Dodge, Jeffrey A](#)
To: [Tshudy, Trisha R](#)
Cc: [Cullings, Julie Lynn](#)
Subject: Antitrust Final Exam
Date: Monday, November 15, 2021 12:00:00 PM
Attachments: [image001.png](#)

Good morning, Trisha! I sent you an email a while back about your Antitrust exam. It will only be available to take in person at the law school. The platform it is built on does not allow for it to be taken remotely. We will need you to come to the law school on the assigned day to take it. I just wanted to make sure you knew that as Julie will process your exam accommodation request accordingly.

I hope you're well. We're excited to see you around campus next semester!

Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law and Joseph H. Goldstein Faculty Scholar
Penn State Dickinson Law
[Schedule a Meeting with Dean Dodge](#)

150 South College Street
Carlisle, PA 17013
jad6742@psu.edu
(717) 240-5247

Pronouns: he, him, his

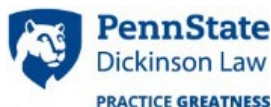


EXHIBIT G

From: [Cullings, Julie Lynn](#)
To: [Dodge, Jeffrey A](#)
Subject: FW: Final Exam Schedule
Date: Thursday, December 2, 2021 11:51:28 AM

Julie Cullings

Assistant Director of Student Services
Pronouns: She/Her/Hers
Dickinson Law
The Pennsylvania State University
233 Lewis Katz Hall
150 South College Street
Carlisle, PA 17013
E: jlc707@psu.edu
P: 717.240.5104



From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Thursday, December 2, 2021 11:44 AM
To: Cullings, Julie Lynn <jlc707@psu.edu>
Subject: Re: Final Exam Schedule

Dear Ms. Cullings,

I truly apologize because I wish it did, but it does not. I'm referring to the fact that those are the requirements for non ADA compliant remote students. So I understand that's for regular students just as they've been require to attend class, and quite possibly for remote students that are remote for reason other than immuno-compromised disability if that is the request of the Professor. What I am confused by is what is overriding the ADA accommodation for the semester for someone with a immunity-compromised disability to be on campus. Again, I truly hope this doesn't come across as me being difficult. I am honestly trying to determine what changed from my own understanding of the protections granted to me and those I conveyed to my doctor. What is the specific reason the exam cannot be administered online so as not to force my body to undergo a completely new environment and additional stress for the two exams that constitute 100 percent of our grade? I'm sorry if I'm not making this clear, but my health and performance relies on consistency and new environments and patterns cause unforeseen and unpredictable symptoms that I do not want to incur when it is the sole basis of my grade in a class. If it were just classes to attend or something lesser, that would allow me to prepare my approach, but it's not. And no matter how calm I would attempt to be, my body will automatically react in unpredictable ways. It's honestly the worst part of having a neurological disability, I never know what symptoms will come up and when, only that new environments and changes greatly increase their occurrence and the new environment means I haven't had the time to prepare ways to mitigate those symptoms. Especially because I am supposed to store my items elsewhere, I don't have the opportunity to know what to bring from home to address things that could arise if they could even be in the room with me. Some things such as temperature should be easy to adjust for by layering unless it brings out my chilblains where the skin on my fingers and feet blisters and bleeds even in temperature controlled environments. Even things like the design of the seat or the desk can lead to excruciating pain. I also ensure I have a variety of foods, beverages, and medicines on hand each time I've tested as well as chose a location with very close restroom access because while rare, incontinence is still a concern. And again, I am more than happy to work to mitigate any environment I have to be put in and am very good at figuring out ways to adapt on the fly. I am truly looking forward to attending in person as soon as it's not a threat to my livelihood. My concern is having all those distractions and unpredictable symptoms sitting for a final exam that is the full value of my grade. Please tell me if that is confusing and doesn't make sense. Thank you.

With Much Appreciation,
Trisha Tshudy

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From: Cullings, Julie Lynn <jlc707@psu.edu>

Sent: Thursday, December 2, 2021 11:19:13 AM
To: Tshudy, Trisha R <trt5096@psu.edu>
Subject: RE: Final Exam Schedule

Hi Trisha,

For the two exams I noted where you will be expected to test in-person at the law school (Antitrust + Basic Federal Income Tax), I can confirm you will be in a testing room by yourself. For the two exams that are noted as take home and are not required to be taken in the building (Business Entities and Disability Law), you can take those at home or wherever you like. Does that clear things up?

Best,
 Julie

Julie Cullings
 Assistant Director of Student Services
 Pronouns: She/Her/Hers
 Dickinson Law
 The Pennsylvania State University
 233 Lewis Katz Hall
 150 South College Street
 Carlisle, PA 17013
 E: jlc707@psu.edu
 P: 717.240.5104



From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Thursday, December 2, 2021 11:05 AM
To: Cullings, Julie Lynn <jlc707@psu.edu>
Subject: Re: Final Exam Schedule

Dear Ms. Cullings,

If my accommodations form does not have specify private testing environment, than that likely is due to my doctors current request that I remain fully remote. I have only been on campus once before, so I am not certain of the location, but I doubt it will be difficult to find. What I was slightly confused by is the need for me to go against my doctor's requested accommodation for two open book tests. I apologize if I missed that information. Can you simply clarify that for me? Is it a lack of software? Or paper form of the test? Due to the remote nature we hadn't specified the implications of in person testing in much detail because it was unnecessary at the time. Please let me know so I can determine how to proceed. Thank you so much for your time.

With Much Appreciation,
 Trisha Tshudy

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From: Cullings, Julie Lynn <jlc707@psu.edu>
Sent: Tuesday, November 30, 2021 10:08:19 AM
To: Tshudy, Trisha R <trt5096@psu.edu>
Subject: Final Exam Schedule

Hi Trisha,

Please see your final exam schedule below:

Date	Start Time	Course	Faculty	Proctor	Testing Room
------	------------	--------	---------	---------	--------------

Tuesday, 12/7	8:50am (6 hrs)	Antitrust	Finio	Julie Cullings	128
Tuesday, 12/14	9:00am (6 hrs 30 min)	Basic Federal Income Tax	Barker	Julie Cullings	128

You will also receive 7 hrs to take your Business Entities exam and 4 hrs to take your Disability Law exam (both take home).

Upon review of the schedule above, **please reply to me to confirm that everything appears correct and you understand when and where you should report for all of your exams.** Please be sure to only bring permitted items to your testing location. If you need a place to store your backpack and other belongings that cannot be in the testing room, you can drop these items off in the Career Services Suite (131) with Kristin Thomas or in Julie Cullings's office (233) if you are testing on the second floor. **IMPORTANT: Please arrive at your testing location at least 10 minutes before each exam's start time so that you can get set up and drop off any restricted items. The overall testing schedule is quite complex and it is imperative that exams begin on time, so please ensure you are in your testing room, know your exam number, and are ready to begin at the noted start time.**

Your proctor will meet you in your testing room to begin the exam at the scheduled time. Please note that unless your accommodation requires a private testing room, there will likely be additional testers in the same space.

If you have any questions, please feel free to reach out to me. Thank you!

Best,
Julie

Julie Cullings

Assistant Director of Student Services

Pronouns: She/Her/Hers

Dickinson Law

The Pennsylvania State University

233 Lewis Katz Hall

150 South College Street

Carlisle, PA 17013

E: jlc707@psu.edu

P: 717.240.5104



EXHIBIT H

From: [Cullings, Julie Lynn](#)
To: [Tshudy, Trisha R](#)
Cc: [Dodge, Jeffrey A](#)
Subject: Exam Room Photos
Date: Thursday, December 2, 2021 12:58:02 PM
Attachments: [Room 128.jpg](#)
[Room 128 b.jpg](#)
[Room 128 c.jpg](#)
[path to exit 3.jpg](#)
[path to exit 2.jpg](#)
[path to exit 1.jpg](#)
[stairwell to exit.jpg](#)

Hi Trisha,

Dean Dodge asked me to send you photos of the room you will be testing in. I have attached photos of the room itself, as well as the path to the closest exit and restrooms. On the photo marked "path to exit 1" you can see the exit sign noting the exit to the stairwell (then shown in the next photo). Directly behind the other white wall and opposite the exit to the stairwell are restrooms.

I am working on confirming the final details about what you are permitted to have with you in the testing rooms. I expect to have that information confirmed later today or tomorrow morning and will get it to you as soon as possible.

Thanks,
Julie

Julie Cullings

Assistant Director of Student Services

Pronouns: She/Her/Hers

Dickinson Law

The Pennsylvania State University

233 Lewis Katz Hall

150 South College Street

Carlisle, PA 17013

E: jlc707@psu.edu

P: 717.240.5104



EXHIBIT I

From: [Cullings, Julie Lynn](#)
To: [Tshudy, Trisha R](#)
Cc: [Dodge, Jeffrey A](#)
Subject: Exam Details
Date: Friday, December 3, 2021 10:58:10 AM
Importance: High

Hi Trisha!

I wanted to circle back with you to confirm details of your exams. The Antitrust exam will be open + network mode and open book, meaning you will have full access to items on your computer and internet, as well as any printed/written materials you would like to have with you. The Basic Federal Income Tax exam is closed mode and open book, meaning you will not be able to access the internet or any electronic materials, however you are permitted to have any printed or written materials with you, as well as a calculator. I will also clarify additional items you are permitted to have with you in the testing room for both exams – listed below:

- Food
- Drinks
- Medication
- Earplugs (will be provided, but you can also bring your own)
- Laptop
- Power cord(s) for laptop
- Pens/pencils
- Scratch paper (will be provided to you – do not bring your own)

The student handbook states that students cannot have the following items in the testing room:

- Bags or backpacks
- Mobile devices (cell phone, smart watches, etc.)

The Career Services suite is steps away from your testing room and you can place any restricted items there if you wish. This is a secure place where items will be supervised, so you can rest assured that everything will be safe there. Many students will arrive at their testing room with their backpack full of all needed items, their laptop, etc., then will take all needed items out of the backpack and place them in the testing room, and then drop their backpack and coat off in the Career Services suite. Once done with their exams, they will grab their bags/coat from the suite and load everything back up, then depart the school. If there are other items you feel you need with you, please let me know and I'm happy to confirm whether they are permitted or not.

Dean Dodge also mentioned your service dog will be joining you, which is wonderful. You are able to leave your testing room to take your dog outside if needed. The photos I sent you yesterday show a path toward the nearest exit, and right outside that exit is a grassy area and the nearby lawn where you can take your dog. You are also permitted to use the restroom as you need. We just ask that you not speak to anyone on your way to/from the restroom or outdoor breaks. Also keep in mind that the exam clock will not stop during your breaks.

I hope this helps to allay any remaining concerns. Please let me know if you have additional

questions. If it would be better to speak via phone, I'm happy to give you a call later today.

Best,
Julie

Julie Cullings

Assistant Director of Student Services

Pronouns: She/Her/Hers

Dickinson Law

The Pennsylvania State University

233 Lewis Katz Hall

150 South College Street

Carlisle, PA 17013

E: jlc707@psu.edu

P: 717.240.5104



EXHIBIT J

Q1.

Associate Deans' Approval Request Form

Submit a separate request form for each requested action. Please review the Student Handbook provision related to your request before submitting this form for approval.

Be sure to submit the required justification and documentation, where requested.

Q2. First Name

Trisha

Q15. Last Name

Tshudy

Q3. Penn State 9 Digit ID Number

930136859

Q4. Dickinson Law Email Address

trt5096@psu.edu

Q5. Phone Number

7177562667

Q7. Program of Education

- ☐ Master of Laws (LL.M.)
- ☒ Juris Doctor (J.D.)
- ☐ Doctor of Juridical Science (S.J.D.)
- ☐ Master of Legal Studies (M.L.S.)

May 2023

Q9.

For all academic requests, you will need to submit (1) a statement detailing the reasons for the request, and (2) any relevant documentation (if applicable).

Please review the Student Handbook provision related to your request before submitting this form for approval.

Q10. Select the requested action.

- ☐ Request to take in-person and mixed mode classes fully remotely.
- ☐ Declaration of intent to enroll in a certificate and concentration program.
- ☐ Declaration of enrollment in a joint degree program.
- ☐ Declaration of enrollment in an independent study. (Attach the completed [Independent Study Declaration of Intent Form](#) on the next page)
- ☐ Permission to add/drop a course after the add/drop deadline.
- ☐ Permission to attend less than full-time.
- ☐ Permission to withdraw from one or more required course(s) this semester.
- ☐ Permission to withdraw from all courses this semester and request the option to return in the future.
- ☐ Permission to take 400 level courses or undergraduate foreign language courses which will count toward the J.D. (maximum 6 credits)
- ☐ Permission to take courses from another ABA-accredited law school which will count toward the J.D.
- ☐ Permission to take courses from an ABA accredited study abroad program which will count toward the J.D.
- ☐ Permission to audit a course.
- ☐ Permission to exceed the distance education 15 credit hour maximum.
- ☐ Waiver of an LL.M./S.J.D./M.L.S. graduation requirement.
- ☒ Request to reschedule an exam.
- ☐ File a petition for readmission after academic dismissal.
- ☐ File a grade appeal.
- ☐ Other

Q12. Select the certificate you intend to pursue:

This question was not displayed to the respondent.

Q13. Please select the joint degree program you were admitted into.

This question was not displayed to the respondent.

This question was not displayed to the respondent.

Q16. I request to enroll fully remotely in the spring 2021 semester for the following reason(s):

This question was not displayed to the respondent.

Q19. Please share any other unique circumstances or concerns that may require adjustments.

This question was not displayed to the respondent.

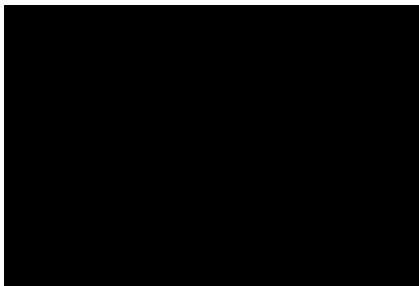
Q20. All student requests will be reviewed by the Associate Dean for Academic & Student Services. Information submitted as part of this request is kept confidential.

This question was not displayed to the respondent.

Q14. Please submit a statement detailing the reason(s) for your request.

This morning, the morning of my examination, I woke up [REDACTED]. It not only took hours away from my morning prep, but also meant I threw up my morning meds that are required for my disability. I attempted to stick to my schedule and make it to my exam if at all possible. So I did everything I could to [REDACTED] and rest so that hopefully my [REDACTED] would stop for me to retake my meds. [REDACTED] and the relatively short time between dosage and expulsion would have prevented this, I can not be certain. As of now, my [REDACTED] has still not subsided enough for me to even attempt to retake, so I am forced to request a reschedule for my examination. I was unsure whether it should be included or not, but I did attach an image [REDACTED] [REDACTED] I am unsure what else could possibly be needed, but please just let me know. If at all possible, I would prefer to take my test tomorrow, because I am unsure how I will be able to fit my other examinations in in a reasonable way if not.

Q11. Attach any relevant documentation (if applicable).



[C6EEE640-E5E4-448C-BA2A-E948C2223AF7.jpeg](#)

1.9MB

image/jpeg

Location Data

Source: GeoIP Estimation

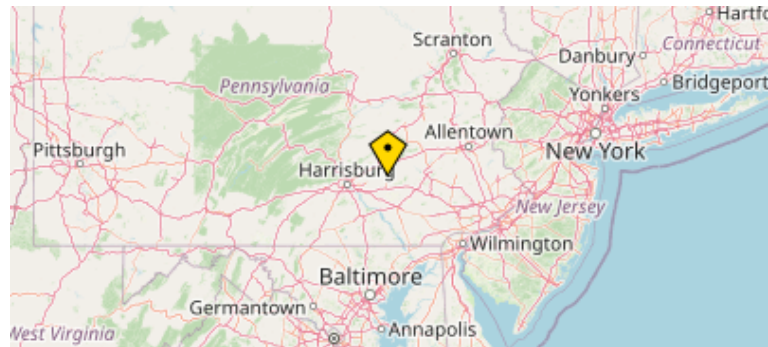


EXHIBIT K

From: [Knowlton, Pamela R](#)
To: [Gaudion, Amy C.](#)
Cc: [Dodge, Jeffrey A](#)
Subject: FW: Federal Income Tax Final
Date: Wednesday, December 15, 2021 9:13:43 AM

So it looks like Trish has basically waited until the end of exams to turn in her papers and do the take-home exams. Not a very wise choice of her time.

From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Wednesday, December 15, 2021 8:53 AM
To: Knowlton, Pamela R <prk5@psu.edu>
Cc: Cullings, Julie Lynn <jlc707@psu.edu>
Subject: Re: Federal Income Tax Final

Dear Ms. Knowlton,

Hopefully, I'll be taking Disability law and submitting my research paper for biotech and pharmaceuticals today. Federal Income Tax Law tomorrow, and then international law Friday before 1 pm (I believe that is the cutoff instead of 5). If the [REDACTED] comes back, I will likely have to take the disability law final immediately after international law on Friday (filling that 1 to 5 gap. Thank you.

With Much Appreciation,
Trisha Tshudy

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From: Knowlton, Pamela R <prk5@psu.edu>
Sent: Wednesday, December 15, 2021 8:40:31 AM
To: Tshudy, Trisha R <trt5096@psu.edu>
Cc: Cullings, Julie Lynn <jlc707@psu.edu>
Subject: RE: Federal Income Tax Final

Dear Trish,

I hope that you are on the mend. Let's reschedule for 8:50 a.m. tomorrow in Room 128. Get some rest. What other final do you still need to take?

Take care,

Pam

From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Wednesday, December 15, 2021 8:30 AM
To: Knowlton, Pamela R <prk5@psu.edu>
Subject: Federal Income Tax Final

Dear Registrar,

As of now, I still have not been able to [REDACTED]
[REDACTED]. That being said, I was finally able to [REDACTED]
[REDACTED]. My doctors believe it was likely contracted when I was on
campus last time since I am isolated currently otherwise. Because I [REDACTED]
[REDACTED], it is recommended that I request to have my
exam administered tomorrow and just adjust to the necessary back-to-back finals. Please respond as
soon as possible. Thank you.

With Much Appreciation,
Trisha Tshudy

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EXHIBIT L

Sasso, Geoffrey F.

From: Dodge, Jeffrey A <jad6742@psu.edu>
Sent: Friday, September 2, 2022 1:31 PM
To: Sasso, Geoffrey F.
Cc: Morrison, George C.
Subject: FW: BPL Final Paper

[This Email Originated From jad6742@psu.edu Which Is External To The Firm]

The first email in this string was forwarded to me by Professor Gould. He wrote her about the paper not being submitted.

Jeffrey A. Dodge
Associate Dean for Academic and Student Services
Assistant Professor of Law and Joseph H. Goldstein Faculty Scholar
Penn State Dickinson Law
[Schedule a Meeting with Dean Dodge](#)

From: Dodge, Jeffrey A
Sent: Friday, December 17, 2021 5:23 PM
To: Gould, James M <jmg6487@psu.edu>
Subject: Re: BPL Final Paper

I think that's a good approach. The responsible thing to do when sick was write you. At this point you've gone out of your way to support her. She needs to respond.

Jeffrey A. Dodge
Associate Dean for Academic and Student Services & Assistant Professor of Law
Penn State Dickinson Law

(717) 240-5247
jad6742@psu.edu

Sent from my iPhone

On Dec 17, 2021, at 5:20 PM, Gould, James M <jmg6487@psu.edu> wrote:

Thanks for your reply. I'll wait to see what happens.

From: Dodge, Jeffrey A <jad6742@psu.edu>
Sent: Friday, December 17, 2021 5:14 PM
To: Gould, James M <jmg6487@psu.edu>
Subject: Re: BPL Final Paper

Thanks so much for reaching out Jim. Earlier this week she was sick and we had to move her Tax exam twice - from Tuesday to Wednesday and then Wednesday to Thursday. She took it yesterday and said she was feeling better. As part of that process she indicated to us she had your paper to finish but that she was working on it Wednesday. She's said nothing further about it and I believe she completed all other exams.

Honestly, while there was sickness involved this week, our sense was that she was unprepared to complete the semester. We default to a compassionate response when sickness is involved, but it felt like she was frantic. Does this help?

Jeffrey A. Dodge

Associate Dean for Academic and Student Services & Assistant Professor of Law
Penn State Dickinson Law

(717) 240-5247

jad6742@psu.edu

Sent from my iPhone

On Dec 17, 2021, at 5:09 PM, Gould, James M <jmg6487@psu.edu> wrote:

Hi Jeffrey,

I hope all is well. Earlier in this semester we discussed extension of some deadlines for Trisha Tshudy during the opening weeks of this term. However, as can be seen in the email message below that I sent earlier today, Trisha is now over 40 hours overdue for the absolute deadline for her Final Paper in my course, and I still have not seen a reply to my message (which I had marked "High Importance"). Lateness penalties are continuing to accrue, and thus I just wanted to check in with you to see if there is anything I should know.

Best regards,
Jim

James M. Gould
Adjunct Prof. of Law
[Jmg6487@psu.edu](mailto:jmg6487@psu.edu)

From: Gould, James M
Sent: Friday, December 17, 2021 1:25 PM
To: Tshudy, Trisha R <trt5096@psu.edu>
Subject: BPL Final Paper
Importance: High

Hi Trisha,

I haven't received your final paper that was due by the December 15th deadline and thus wanted to remind you of the ongoing accrual of lateness penalties as set out in the course policies.

As indicated in the instructions, please be sure to send your paper to my Penn State Dickinson email: jmg6487@psu.edu.

Best regards,

Professor Gould
Jmg6487@psu.edu

EXHIBIT M

From: [Gould, James M](#)
To: [Williams, Laura H](#); [Dodge, Jeffrey A](#)
Subject: FW: Research Paper Submission
Date: Thursday, January 6, 2022 9:38:07 AM
Attachments: [Research Paper Final.docx](#)

In case you need it, I'm forwarding the email Trisha Tshudy sent me on December 17 attaching her final paper.

From: Tshudy, Trisha R <trt5096@psu.edu>
Sent: Friday, December 17, 2021 11:57 PM
To: Gould, James M <jmg6487@psu.edu>
Subject: Research Paper Submission

Dear Professor Gould,

I apologize for not realizing that you were not cc'ed into the communications with the deans and student services regarding the situation that arose. I also did not realize that you were not contacted separately either, because the research paper was included in the discussion. As you know I have a medical history that left me remote this semester. Several of my finals were required to be administered on campus. Unfortunately, this led to the exact nightmare that my doctors aimed to prevent and at the worst possible time. Given my isolation and lack of exposure and then entering such an environment, I contracted the flu after my first test which only hit during at the beginning of the second week of finals cutting off my last three days in which I only had to finish up my sources and references. Instead, I was [REDACTED] [REDACTED] and had to reschedule nearly 20 hours of finals into the last day and a half of the finals window. And that was before I was even able to [REDACTED] [REDACTED]. I had discussed it with student services, because my [REDACTED] made computer usage impossible and I considered submitting as is, but with all of the honor code violations students have been given as of recently, they indicated that it would be smarter to delay submission because, and I truly believe the implied it would be excused by the dean since it was ultimately caused by requirements that went in direct contention with my doctors concerns. I would be happy to elaborate on any aspect of this that you deem fit. I provided them with access to as much proof and documentation of my extremely unfortunate circumstance that honestly cost me significantly in grades already so far. But I would like to make sure that my research paper is at least submitted to you first. Please send me a response that you have received it and please inform me of what information you will require and from who to properly convey that my delay in submission was based on circumstances well out of my control and upon recommendation of the administration. Thank you so much for your time and I truly hope I get to meet with you next semester.

With Much Appreciation,
Trisha Tshudy

questions. If it would be better to speak via phone, I'm happy to give you a call later today.

Best,
Julie

Julie Cullings

Assistant Director of Student Services

Pronouns: She/Her/Hers

Dickinson Law

The Pennsylvania State University

233 Lewis Katz Hall

150 South College Street

Carlisle, PA 17013

E: jlc707@psu.edu

P: 717.240.5104

